

PERSON/UNIT NOTIFIED		GROUP 1		1	5
Approved For Release 2003/06/04 : CIA-RDP78-01092A000100030030-4		DECLASSIFICATION		3	7
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UNCLAS SUSPECTED DUPLICATE
RE TELETYPE OF MARCH 17, 1972, AND COURT'S ORDER TO PRESERVE RECORDS
RELATING TO ELECTRONIC DATA PROCESSING. UPON JOINT APPLICATION
OF THE DEPARTMENT OF JUSTICE AND IBM, THE COURT EXEMPTED FROM
ITS PRIOR ORDER AND ORDERED NORMAL RETENTION PROCEDURES FOR THE
FOLLOWING CATEGORIES OF RECORDS: (1) MAGNETIC TAPES OR DISKS
USED IN THE DEVELOPMENT OF COMPUTER PROGRAMS EXCEPT THAT: TAPES OR
DISKS CONSTITUTING A FINISHED PROGRAMMING PRODUCT ARE TO REMAIN
SUBJECT TO THE COURT'S PRETRIAL ORDER NO. 1.

(2) MAGNETIC
TAPES OR DISKS USED ONLY AS AN INTERIM STEP IN A DATA PROCESSING
OPERATION. (3) ANCILLARY/AUXILIARY TAPES OR DISKS USED IN DATA
PROCESSING OPERATIONS, PROVIDED THE DATA CAN BE RECREATED FROM
SOURCE RECORDS. (4) MAGNETIC TAPES AND DISKS BEING UPDATED IN
THE NORMAL COURSE OF DATA PROCESSING OPERATIONS EXCEPT THAT: THE
LATEST VERSION OF ANY SUCH TAPE OR DISK WHICH IS NO LONGER BEING
UPDATED SHALL REMAIN SUBJECT TO THE COURT'S PRETRIAL ORDER NO. 1.
(5) ANY MAGNETIC TAPES OR DISKS USED IN DATA PROCESSING OPERATIONS,
PROVIDED THE DATA ON THE TAPE OR DISK HAS BEEN COMPLETELY PRINTED
OUT. (6) TABULATING CARDS USED ONLY AS AN INTERIM STEP IN A DATA
PROCESSING OPERATION. (7) TABULATING CARDS USED IN PROGRAMMING,

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LOGIC, TEST AND DIAGNOSTIC OPERATIONS. (8) COPIES OF PRINTED
MATERIAL PREPARED BY THIRD PARTIES FOR GENERAL PUBLIC DISTRIBUTION
EXCEPT THAT: ANY COPY TO WHICH INFORMATION HAS BEEN ADDED MUST
BE RETAINED SUBJECT TO THE COURT'S PRETRIAL ORDER NO. 1. UPON
FURTHER APPLICATION TO THE COURT BY IBM, THE COURT ALSO "CLAIRFIED"
ITS PRIOR ORDER TO REQUIRE ALL GOVERNMENT AGENCIES TO RETAIN ALL
AFTER-ACQUIRED AS WELL AS EXISTING RECORDS WHICH RELATE IN ANY WAY
TO ELECTRONIC DATA PROCESSING, TO ANY ELECTRONIC DATA PROCESSING
PRODUCT OR SERVICE, OR TO THE GOVERNMENT'S MONOPOLY CASE AGAINST
IBM. THE COURT ALSO ADVISED THAT ALL GOVERNMENT AGENCIES SHOULD
INTERPRET "RECORDS" TO INCLUDE CORRESPONDENCE FILES. PLEASE
SEND SYNOPSIS OF STEPS TAKEN BY YOUR AGENCY TO INSURE COMPLIANCE
WITH COURT'S ORDER AND AFFIDAVITS OF BURDEN AND EXPENSE INVOLVED
IN COMPLIANCE TO EDWARD R. KENNEY, JD. ANTITRUST DIVISION,
WASHINGTON, D.C., TELEPHONE 739-2417.

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